

GENERAL RULES

RULE 1.1 SCOPE OF THE RULES

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B. Effective Date. These rules become effective February 15, 1993, provided, however, that the 1994 amendments shall take effect on December 1, 1994, the 1996 amendments shall take effect on April 15, 1996, and each subsequent year's amendments shall take effect on April 15 of that year ~~the 1997 amendments shall take effect on April 15, 1997, the 1998 amendments shall take effect on April 15, 1998, the 1999 amendments shall take effect on April 15, 1999, the 2000 amendments shall take effect on April 15, 2000, the 2001 amendments shall take effect on April 15, 2001, the 2002 amendments shall take effect on April 15, 2002, the 2003 amendments shall take effect on April 15, 2003, and the 2004 amendments shall take effect on April 15, 2004,~~ and shall govern all proceedings thereafter commenced and, insofar as just and practicable, all proceedings then pending.

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Effective Dec. 1, 1994; amended effective April 15, 1996; April 15, 1997; April 15, 1998; April 15, 1999; April 15, 2000; April 15, 2001; April 15, 2002; April 15, 2003; April 15, 2004; April 15, 2005; April 15, 2006.

RULE 3.8 DUTY JUDGE

~~There shall be established for the Miami, Fort Lauderdale and West Palm Beach Divisions on a monthly rotating basis, to be determined by the Court, a schedule designating each active resident Judge as Duty Judge who shall be available to hear and preside over the following:~~

- ~~1. — Grand jury matters, as provided by the Court in its administrative orders;~~
- ~~2. — Emergency naturalization matters and naturalization ceremonies;~~
- ~~3. — Matters arising from Magistrate Judge's proceedings which are not assigned to a District Judge, including but not limited to application for review of bonds and competency examinations;~~
- ~~4. — Transfer of probation from foreign districts;~~
- ~~5. — Swearing in of attorneys to practice;~~
- ~~6. — Wire tap applications in matters not assigned to any District Judge, as provided by the Court in its administrative orders;~~

~~7. Approval of issuance of warrants of arrest in admiralty cases when the District Judge assigned is unavailable;~~

~~8. Emergency petitions for writ of habeas corpus involving a petitioner's claim to immediate release, where the assigned judge is in the district, but otherwise unavailable to rule on the petition.~~

9. ~~Written and verbal requests for excuses from complying with grand jury and petit jury summonses.~~

~~Effective Dec. 1, 1994. Amended effective April 15, 2000; April 15, 2001.~~

~~Authority~~

~~(1994) Administrative Order No. 94-60.~~

Comments

~~(1993) Renumbered per Model Rules. Section B deleted as no longer accurate. “Reduction of bonds” changed to “review of bonds” to reflect actual practice. Added items 7 and 8 reflect actual practice.~~

~~(2000) Clarifies the Divisions of the Court.~~

~~(2001) Conforms to periodic administrative orders.~~

RULE 3.9 NOTICE OF TRANSFER OF REFILED AND SIMILAR ACTIONS AND PROCEDURES

~~A. Refiled. Whenever an action or proceeding is terminated by entry of a notice or order of dismissal and is refiled without a substantial change in issue or parties, it shall be transferred to the Judge to whom the original was assigned.~~

B.——Post-conviction Relief, Criminal. Whenever a second or subsequent action seeking post-conviction or other relief petition for writ of habeas corpus is filed by the same applicant involving the same offense, the action shall be transferred to the Judge to whom the original proceeding was assigned. All motions under 28 U.S.C. § 2255 shall be assigned to the Judge who took the action from which review is sought, or any successor Judge.

~~C. Similar. Whenever an action or proceeding is filed in the Court which involves subject matter which is a material part of the subject matter of another action or proceeding then pending before this Court, or for other reasons the disposition thereof would appear to entail the~~

unnecessary duplication of judicial labor if heard by a different Judge, the Judges involved shall determine whether the newly filed action or proceeding shall be transferred to the Judge to whom the earlier filed action or proceeding is assigned.

D. — ~~Notice to Court.~~ It shall be the continuing duty of the Clerk and of the attorneys of record in every action or proceeding to bring promptly to the attention of the Court and opposing counsel the existence of other actions or proceedings as described in Section 2.15.00 of the Court's Internal Operating Procedures paragraphs A, B, and C hereof, as well as the existence of any similar actions or proceedings then pending before another court or administrative agency. Such notice shall be given by filing with the Court and serving on counsel a "Notice of Pendency of Other Actions," containing a list and description thereof sufficient for identification.

Comments

(2006) Amendment to conform to Court's adoption of Internal Operating Procedures.

RULE 5.1 FILING AND COPIES

A.

* * * * *

6. Include (a) a signature block with the name, street address, telephone number, facsimile telephone number, e-mail address, and Florida Bar identification number of all counsel for the party and (b) a certificate of service which refers to an attached Service List containing the name, street address, telephone number, facsimile telephone number, and e-mail address of all counsel for all parties, including the attorney filing the pleading, motion, or other paper. See Form following this rule.

* * * * *

SAMPLE FORM FOLLOWING RULE 5.1

[Two-hole punched at top of page]
[1" from top of page, and centered,
begin title of court]

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. ____-Civ or Cr-(USDJ's last name/USMJ's last name)

A.B.,

Plaintiff,

vs.

[Leave space for
Clerk's filing stamp]

C.D.,

Defendant.

_____/

TITLE OF DOCUMENT

Dated: Month day, year
City, State

Respectfully submitted,

Attorney Name (Bar Number)

Attorney E-mail address

Firm Name

Street Address

City, State Zip Code

Telephone: (xxx) xxx-xxxx

Facsimile: (xxx) xxx-xxxx

Attorneys for Plaintiff/Defendant [Party Name(s)]

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served by [specify method
of service] on [date] on all counsel or parties of record on the attached service list.

Attorney Name

SERVICE LIST**Case No. _____ -Civ or Cr-(USDJ's last name/USMJ's last name)**Attorney NameAttorney NameAttorney E-mail AddressAttorney E-mail AddressFirm NameFirm NameStreet AddressStreet AddressCity, State zip codeCity, State zip codeTelephone: (xxx) xxx-xxxxTelephone: (xxx) xxx-xxxxFacsimile: (xxx) xxx-xxxxFacsimile: (xxx) xxx-xxxxAttorneys for Plaintiff/DefendantAttorneys for Plaintiff/Defendant[Party Name(s)][Party Name(s)]**RULE 7.1 MOTIONS, GENERAL**

* * * * *

B. Hearings. No hearing will be held on motions unless set by the Court. Hearings shall be set by the Court under the following circumstances:

1. A party who desires oral argument or a hearing of any motion shall request it in writing by separate request accompanying the motion or opposing memorandum. The request shall set forth in detail the reasons why a hearing is desired and would be helpful to the Court and shall estimate the time required for argument. The Court in its discretion may grant or deny a hearing as requested, upon consideration of both the request and any response thereto by an opposing party.

2. Discovery motions may be referred to and heard by a United States Magistrate Judge.

3. With respect to:

a. any motion or ~~any~~ other matter which has been pending and fully briefed with no hearing set thereon for a period of 90 days, and

b. any motion or other matter as to which the Court has conducted a hearing but has not entered an order or otherwise determined the motion or matter within 90 days of the hearing,

the Clerk of the Court shall send to the Court and to all parties a “Notification of 90 days Expiring and Ripeness for Hearing.” Any party may request the Clerk to do so, and in that event, the Clerk shall not file the request in the Court file nor indicate the identity of the party making the request. When the Court receives such notification, it shall set the matter for hearing within 10 days of receipt of the notification or shall issue an order resolving the motion or other matter during that same 10 day period. the movant or applicant, whether party or non-party, shall file and serve on all parties and any affected non-parties a “Notification of 90 Days Expiring” which shall contain the following information:

(1) the title and docket entry number of the subject motion or other application, along with the dates of service and filing;

(2) the title and docket entry number of any and all responses or opposing memoranda, along with the dates of service and filing, or if no such papers have been filed, the date on which such papers were due;

(3) the title and docket entry number of any reply memoranda, or any other papers filed in connection with the motion or other matter, as well as the dates of service and filing; and

(4) the date of any hearing held on the motion or other matter.

The “Notification of 90 Days Expiring” shall be filed within ten days of the expiration of the applicable 90 day period.

C.

* * * * *

1. *Time.* Time shall be computed under this Rule as follows:

(a) If the motion or memorandum was served by mail, count ~~three (3)~~ ten (10) days ~~(five (5) days for a reply)~~ from the date the motion, response, or memorandum to which one is responding was certified as having been mailed. Do not ~~include~~ Saturdays, Sundays, or legal holidays. Beginning on the next business calendar day, ~~(i.e. not on including Saturday, Sunday, or a legal holiday)~~, count ~~ten (10)~~ three days, ~~(for an opposing memorandum) or five (5) days (for a reply) excluding Saturdays, Sundays and legal holidays.~~ The ~~tenth or fifth~~ third days is the due date for the opposing memorandum or reply, ~~respectively.~~ If the third day falls on a Saturday, Sunday, or legal holiday, the due date is the next business day.

* * * * *

Comments

(2006) Local General Rule 7.1.B.3 is amended to assist the Court's expeditious determination of motions or other matters. Local General Rule 7.1.C.1 is amended to correspond to Fed.R.Civ.P. 6(e).

RULE 7.3 ATTORNEYS FEES AND COSTS

A. Motions for Attorneys Fees and/or Costs Upon Entry of Final Judgment or Order.

Any motion for attorneys fees and/or costs: (i) must specify the judgment and the statute, rule, or other grounds entitling the moving party to the award; (ii) must state the amount or provide a fair estimate of the amount sought; (iii) shall disclose the terms of any agreement with respect to fees to be paid for the services for which the claim is made; (iv) shall describe in detail the number of hours reasonably expended, the bases for those hours, the hourly rate(s) charged, and identity of the timekeeper(s); (v) shall describe in detail all reimbursable expenses; (vi) shall be verified; (vii) shall be supported by an affidavit of an expert witness; and (viii) shall be filed and served within 30 days of entry of a final judgment or other appealable order that gives rise to a right to attorneys fees and/or costs. Any such motion shall be accompanied by a certification that counsel has fully reviewed the time records and supporting data and that the motion is well grounded in fact and justified. ~~A bill to tax costs pursuant to 28 U.S.C. § 1920 shall be filed and served within 30 days of entry of Final Judgment or other appealable order which gives rise to a right to tax costs.~~ Prior to filing a motion for attorneys fees and/or costs ~~or bill to tax costs~~, counsel shall confer with opposing counsel and make a certified statement in the motion ~~or bill~~ in accordance with Local General Rule 7.1.A.3. The motion ~~or bill~~ shall also state whether a hearing is requested by any party and indicate the length of time desired for the hearing. The prospects or pendency of supplemental review or appellate proceedings shall not toll or otherwise extend the time for filing of a motion for fees and/or bill to tax costs with the district court.

B. Motions for Attorneys Fees and/or Costs Prior to Entry of Final Judgment.

Any motion for attorneys fees and/or or bill to tax costs made before entry of final judgment or other appealable order must: (i) specify the statute, rule, or other grounds entitling the moving party to the award; (ii) must state the amount or provide a fair estimate of the amount sought; (iii) shall disclose the terms of any agreement with respect to fees to be paid for the services for which the claim is made; (iv) shall describe in detail the number of hours reasonably expended, the bases for those hours, the hourly rate(s) charged, and identity of the timekeeper(s); (v) shall describe in detail all reimbursable expenses; (vi) shall be verified; and (vii) shall be supported by an affidavit of an expert witness. Any such motion shall be accompanied by a certification that counsel has fully reviewed the time records and supporting data and that the motion is well grounded in fact and justified. Prior to filing a motion for attorneys fees and/or or bill to tax costs, counsel filing the motion shall confer with opposing counsel and make a certified statement in the motion ~~or bill~~ in

1 accordance with Local General Rule 7.1.A.3. The motion shall also state whether a hearing is
2 requested.

3
4 **C. Bill of Costs.** A bill of costs pursuant to 28 U.S.C. § 1920 shall be filed and served
5 within 30 days of entry of Final Judgment or other appealable order which gives rise to a right to
6 tax costs under the circumstances listed in 28 U.S.C. § 1920. An application for a bill of costs must
7 be submitted on form (or in a form substantially similar to) AO 133 of the Administrative Office
8 of the United States Courts. The bill of costs should attach copies of any documentation showing
9 the amount of costs. The prospects or pendency of supplemental review or appellate proceedings
10 shall not toll or otherwise extend the time for filing of a bill of costs with the district court.
11

12 Comment

13
14 (2006) The amendments are designed to distinguish between a bill of costs, which
15 is authorized by 28 U.S.C. § 1920, and a motion for costs, which arises in circumstances
16 other than those listed in 28 U.S.C. § 1920.
17

18 19 20 **RULE 12.1 CIVIL RICO CASE STATEMENT**

21
22 * * * * *

23
24 5. Describe in detail the pattern of racketeering/criminal activity or collection of an unlawful
25 debt for each RICO claim. A description of the pattern of racketeering/criminal activity shall:

26
27 a. separately list the predicate acts/incidents of criminal activity and the specific statutes
28 violated by each predicate act/incident of criminal activity;

29
30 b. separately state the dates of the predicate acts/incidents of criminal activity, the
31 participants and a description of the facts surrounding each predicate act/incident of criminal
32 activity;

33
34 c. if the RICO claim is based on the predicate offenses of wire fraud, mail fraud, ~~fraud in~~
35 ~~the sale of securities,~~ fraud in connection with a case under U.S.C. Title 11, or fraud as defined
36 under Chapter 817, Fla.Stat., the “circumstances constituting fraud or mistake shall be stated with
37 particularity,” Fed.R.Civ.P. 9(b) (identify the time, place, and contents of the misrepresentation or
38 omissions, and the identity of persons to whom and by whom the misrepresentations or omissions
39 were made);

40
41 d. state whether there has been a criminal conviction for any of the predicate acts/incidents
42 of criminal activity;
43

e. describe in detail the perceived relationship that the predicate acts/incidents of criminal activity bear to each other or to some external organizing principle that renders them “ordered” or “arranged” or “part of a common plan”; and

f. explain how the predicate acts/incidents of criminal activity amount to or pose a threat of continued criminal activity.

* * * * *

Comments

(2006) Local General Rule 12.1.5.c is amended to delete “fraud in the sale of securities” as a predicate act to conform with Section 107 of the Private Securities Litigation Reform Act of 1995, which amended 18 U.S.C § 1964(c) to eliminate this act as a predicate for a federal civil RICO claim.

RULE 16.3 CALENDAR CONFLICTS

~~**A. Priorities.** In resolving calendar conflicts between the federal courts or between this Court and the courts of the State of Florida, the following case priorities must be considered:~~

~~1. Criminal cases should prevail over civil cases.~~

~~2. Jury trials should prevail over non-jury trials.~~

~~3. Appellate arguments, hearings, and conferences should prevail over trial court proceedings.~~

~~4. The case in which the trial date has been first set by written order should take precedence.~~

~~**B. Additional Circumstances.** Factors such as cost, numbers of witnesses and attorneys involved, travel, length of trial, age of case, and other relevant matters may warrant deviation from these case priorities.~~

~~**C. Notice and Agreement; Resolution by Judges.**~~

When an attorney is scheduled to appear in two courts at the same time and cannot arrange for other counsel to represent the clients' interests, the attorney shall give prompt written notice of the conflict to opposing counsel, the clerk of each court, and the presiding judge of each case, if known, and shall present a copy of any prior written trial setting or other conflicting scheduling

order. If the presiding judge of the case cannot be identified, written notice of the conflict shall be given to the chief judge of the court having jurisdiction over the case, or to the chief judge's designee. ~~The judges or their designees shall confer and undertake to avoid the conflict by agreement among themselves. Absent agreement, conflicts should be promptly resolved by the judges or their designees in accordance with the above case priorities.~~

Authority

(2006) Krasnow v. Navarro, 909 F.2d 451 (11th Circuit 1990)

Comments

(2006) Portions of rule 16.3 were deleted as being duplicative of the Court's Internal Operating Procedures.

RULE 88.3 PETTY OFFENSES – PUBLIC BUILDINGS

A. Collateral and Mandatory Appearance.

1. Petty offenses, which as defined in 18 U.S.C. § 19, which are committed on or within the perimeter of Federally-owned or controlled buildings, for which collateral may be posted and forfeited in lieu of appearance by the person charged, together with the amount of collateral to be posted and offenses for which a mandatory appearance is required shall be in accordance with schedules which may from time to time be approved by the Court and filed with the Clerk.

RULE 88.4 CERTAIN OFFENSES PERTAINING TO – NATIONAL PARKS, PRESERVES, GOVERNMENT RESERVATIONS, HISTORIC SITES, TREATIES, AND WILDLIFE ACTS

A. Covered Offenses. This Rule shall apply to petty offenses, as defined in 18 U.S.C. § 19, and to certain misdemeanors as shall be identified from time to time by the Court in collateral schedules. Collectively, these petty offenses and identified misdemeanors shall be referred to for purposes of the Rule as covered offenses²².”

RULE 88.11 AFTER HOURS CRIMINAL DUTY PROCEDURES

When a defendant is arrested after hours (in the evening, on the weekend, on a holiday, or in the daytime during the business week at a time that does not permit an appearance at the prescribed session of Magistrate Court), the Duty AUSA shall contact the Duty Magistrate Judge for the purpose of having a bond set.

Once the Duty Magistrate Judge sets a bond, the Duty AUSA shall transmit the bond information to the Duty Marshal and/or to the arresting agents who shall transmit the bond information to the booking officials at the receiving institution. A "permanent" bond shall be set for the defendant at the next available prescribed Duty Magistrate Judge Court session when the defendant appears for initial appearance.

For arrests that occur during the business week, prior to the end of the business day but subsequent to a time when an initial appearance at the prescribed session of Magistrate Judge Court can be made, the Duty AUSA shall contact the Duty Magistrate Judge in chambers for the purpose of having a temporary bond set. As with after hours arrests, the Duty AUSA shall transmit the bond information to the Duty Marshal and/or the arresting agents. If the Duty Magistrate Judge is on the bench when a Duty AUSA calls for the purpose of having a temporary bond set, the Duty Magistrate Judge will return the Duty AUSA's call as soon as the Duty Magistrate Judge gets off the bench.

For after hours arrests, the Duty AUSA shall leave a message on the magistrate judge's beeper or cell phone. If by beeper, the call will be returned by the magistrate judge. Once the magistrate judge sets a bond, the Duty AUSA shall transmit the bond information to the Duty Marshal and/or the arresting agents for transmittal to the receiving institution. Routine arrests occurring after 10:00 p.m. need not be communicated to the Duty Magistrate Judge that night, but shall be reported by the Duty AUSA to the Duty Magistrate Judge the following morning. In emergency situations, the Duty Magistrate Judge may be contacted directly at any hour.

Since a probable cause determination must be made within forty-eight hours of all arrests, a criminal complaint must be presented directly to a magistrate judge for review and approval in all cases where the initial appearance will not take place within forty-eight hours of an arrest.

All after-hours Duty arrests (including but not limited to arrests on warrants where bonds have already been endorsed/set) shall be reported to the Duty Magistrate Judge by the Duty AUSA.

Comments

(2006) The Duty AUSA shall transmit the bond information to assure that any interested party can readily ascertain the temporary bond which has been set for a particular defendant. The Duty AUSA (evening or weekend) should contact the Duty Magistrate Judge the Friday before the Duty AUSA's tour of duty, to discuss the Duty Magistrate

Judge's preference regarding taking duty calls. Some magistrate judges may prefer to have the Duty AUSA contact them directly, rather than by beeper. All after-hours Duty matters should be coordinated through the Duty AUSA. For example, when an arrest is authorized by a non-Duty AUSA, that arrest should be coordinated through and/or with the Duty AUSA. At a minimum, the Duty AUSA should be made aware of all after-hours Duty activities by other AUSA's. There are at least two reasons for the procedure that all after-hours Duty arrests must be reported to the Duty Magistrate Judge. First, there may be confusion as to whether an "endorsed" bond is a judge-set bond or an AUSA recommended bond. Second, the Duty Magistrate Judge must be made aware of all arrests occurring after hours, to enable the Duty Magistrate Judge to respond to related inquiries.

APPENDICES

APPENDIX A. DISCOVERY PRACTICES HANDBOOK

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I. DISCOVERY IN GENERAL

* * * * *

B. Filing of Discovery Materials.

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(3) *Filing Under Seal*. Documents and things may be filed under seal in accordance with the procedures set forth in Local General Rule ~~5.4~~–5.4.

D. Timeliness and Sanctions.

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(3) *Objections*. When objections are made to discovery requests, all grounds for the objections must be specifically stated. When objections are untimely made, they are waived. See Local General Rule ~~26.1.G.6.a.~~ 26.1.G.3.a.

II. DEPOSITIONS

A. General Policy and Practice.

(1) *Scheduling.* A courteous lawyer is normally expected to accommodate the schedules of opposing lawyers. In doing so, the attorney can either prearrange a deposition, or notice the deposition while at the same time indicating a willingness to be reasonable about any necessary rescheduling. Local General Rule ~~26.1.J.~~ 26.1.J requires at least five (5) working days' notice in writing to every other party and to the deponent (if a non-party) for a deposition in this State, and ten (10) working days' notice for an out-of-state deposition. Noncompliance obviates the need for protective ~~Order~~ order.

Notwithstanding the foregoing, in accordance with ~~Rule FED.R.CIV.P. 32(a)(3), Rule 32(a)(3), FED.R.CIV.P.,~~ no deposition shall be used against a party who, having received less than eleven (11) calendar days' notice of a deposition as computed under ~~FED.R.CIV.P. Rule 6(a), Rule 6(a), FED.R.CIV.P.,~~ has promptly upon receiving such notice filed a motion for protective order under Rule 26(c)(2) requesting that the deposition not be held or be held at a different time or place and such motion is pending at the time the deposition is held.

* * * * *

E. Depositions of Experts. A party may depose any person who has been identified as an expert whose opinions may be presented at trial. FED.R.CIV.P. 26(b)(4)(A). However, Local General Rule ~~26.1.F.(1)(c)~~ 26.1.F.1.b provides that an expert's deposition may not be conducted until after the expert summary or report required by Local General Rule ~~16.1.K.~~ 16.1.K is provided.

III. PRODUCTION OF DOCUMENTS

A. Preparation and Interpretation of Requests for Documents.

* * * * *

(5) *Objections.* Absent compelling circumstances, failure to assert objections to a request for production within the time period for a response constitutes a waiver of grounds for objection, and will preclude a party from asserting the objection in a response to a motion to compel. Objections should be specific, not generalized. See Local General Rule ~~26.1.G.6.a.~~ 26.1.G.3.a.

V. PRIVILEGE

A. Invocation of Privilege in Other Discovery.

Where a claim of privilege is asserted in responding or objecting to other discovery devices, including interrogatories, requests for documents and requests for admissions, and information is not provided on the basis of such assertion, the ground rules set forth above shall also apply. Local General Rule ~~26.1.G.6(b)~~, 26.1.G.3, Southern District of Florida. The attorney seeking disclosure of the information withheld may, for the purpose of determining whether to move to compel disclosure, serve interrogatories or notice the depositions of appropriate witnesses to establish other relevant information concerning the assertion of the privilege, including (a) the applicability of the privilege being asserted, (b) circumstances which may constitute an exception to the assertion of the privilege, (c) circumstances which may result in the privilege having been waived, and (d) circumstances which may overcome a claim of qualified privilege.

VI. MOTIONS TO COMPEL OR FOR A PROTECTIVE ORDER

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C. Time for Filing. Local General Rule ~~26.1.H(1)~~ 26.1.H.1 requires that all motions related to discovery, including but not limited to motions to compel discovery and motions for protective order, be filed within thirty (30) days, absent a showing of reasonable cause for a later filing, may constitute a waiver of the relief sought.

**MAGISTRATE JUDGE RULES
FORMS**

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. _____

_____))
Plaintiff,

vs.

_____))
Defendant.

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 28 U.S.C. § 636(c), the parties to the above-captioned civil matter hereby waive their right to proceed before a District Judge of this Court and consent to have a United States Magistrate Judge conduct any and all further proceedings in the case (including the trial) and order the entry of judgment.

~~Any appeal shall be taken to the United States Court of Appeals for this Judicial Circuit, in accordance with 28 U.S.C. § 636(c)(3), unless all parties further consent, by signing below, to take any appeal to a District Judge of this Court, in accordance with 28 U.S.C. § 636(c)(4).~~

* * *

Comments

(2006) The form for Consent to Proceed Before a United States Magistrate Judge is amended to reflect the amendment to 28 U.S.C. § 636(c), which eliminated appeals by consent of the parties to district judges.

RULES GOVERNING ATTORNEY DISCIPLINE

RULE IX. REINSTATEMENT

A. After Disbarment or Suspension. An attorney suspended for three months or less shall be automatically reinstated at the end of the period of suspension upon the filing with this Court of an affidavit of compliance with the provisions of the order. An attorney suspended for

1 more than three months or disbarred may not resume the practice of law before this Court until
2 reinstated by order of the Court. An attorney seeking reinstatement after reciprocal disbarment or
3 suspension must meet the same criteria as an attorney seeking original admission under Rule 1 of
4 the Special Rules Governing the Admission and Practice of Attorneys, in that he or she must first
5 seek and obtain reinstatement by the Florida Bar.

6
7 Effective Dec. 1, 1994. Amended effective April 15, 20026.

8
9 Comments

10
11 (2006) Section A amended to clarify that a petitioner seeking reinstatement after
12 reciprocal disbarment must first be reinstated in Florida.

13
14
15
16 **SPECIAL RULES GOVERNING THE ADMISSION AND PRACTICE OF**
17 **ATTORNEYS**

18
19 **RULE 1. QUALIFICATIONS FOR ADMISSION**

20
21 An attorney is qualified for admission to the bar of this district if the attorney is (1)
22 currently a member in good standing of The Florida Bar; and (2) has received a passing score on
23 the ~~Uniform Examination~~; approved and adopted by the ~~District Examination Committee of the~~
24 ~~Northern District of Florida, the Ad Hoc Committee on Attorney Admissions, Peer Review and~~
25 ~~Attorney Grievance of the Southern District of Florida, and by the respective Courts,~~ testing
26 knowledge of the Federal Rules of Criminal and Civil Procedure, the Federal Rules of Evidence,
27 and the law of federal jurisdiction and venue. The ~~E~~examination shall also contain sections testing
28 knowledge of the local rules of ~~the Southern and Northern Districts~~this District. Admission to the
29 ~~Southern and Northern~~ this Districts requires successful completion of the ~~applicable local rules~~
30 ~~section either at the time the Uniform Examination is given or at such subsequent time that the~~
31 ~~applicant takes the applicable local rules section(s).~~ An applicant may take the ~~E~~examination three
32 times in any calendar year. However, if the applicant fails to pass the ~~E~~examination after three
33 attempts, he or she must wait a full calendar year before reapplying.

34
35 Effective Dec. 1, 1994; amended effective Jan. 1, 1996; April 15, 20026.

36
37 Comments

38
39 (2006) Amended to eliminate references to a common test with the Northern District of
40 Florida, which has been eliminated.